

# ANDERSON KILL

Attorneys and Counselors at Law

ONE GATEWAY CENTER, SUITE 1510 ■ NEWARK, NJ 07102  
TELEPHONE: 973-642-5858 ■ FAX: 973-621-6361  
www.andersonkill.com

Steven J. Pudell, Esq.  
SPudell@andersonkill.com  
973-642-5877

Via ECF and Regular Mail

May 31, 2018

Honorable Paul G. Gardephe, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 705  
New York, NY 10007

**Re: *Starr Surplus Lines Insurance Company and Houston Casualty  
Company v. CRF Frozen Foods, LLC*  
Civil Action No.: 17-cv-1030 (PGG)**

Dear Judge Gardephe:

As you are aware, this firm represents CRF Frozen Foods, LLC ("CRF") in the above-referenced action. CRF, Starr Surplus Lines Insurance Company ("Starr"), and Houston Casualty Company ("HCC"), submit this joint letter in accordance with this Court's April 12, 2018 Order. (ECF No. 111). Therein, the Court requested the following: (1) an estimate of how long it will take to complete fact discovery; and (2) a timeline for briefing the parties' anticipated cross-motions for summary judgment. (*Id.*).

As Your Honor may recall, at the April 12, 2018 conference, the parties reported that all fact discovery had been completed, pending the parties' compliance with Chief Magistrate Judge Freeman's rulings on April 11, 2018 concerning outstanding discovery disputes. During the April 11, 2018 hearing, Judge Freeman ordered that Starr and HCC search for and produce certain categories of documents. Starr and HCC immediately complied with that order. HCC produced additional documents. Starr's search found no additional relevant documents. Judge Freeman further ordered CRF to review and produce relevant, non-privileged documents from October 16, 2015 through February 10, 2017. CRF immediately sought to provide Starr and HCC with additional documents and, on May 3, 2018, made an initial supplemental production of approximately 3,000 documents for the time period from October 16, 2015 through April 22, 2016.

On May 10, 2018, after agreeing to search terms with Starr and HCC, CRF began to search for potentially responsive documents that remained for the time period from April 23, 2016 through February 10, 2017. CRF's application of the agreed upon search terms to documents in this time frame yielded a total of approximately 27,000 additional, possibly responsive, documents. CRF's relevance and privilege review of these 27,000 potentially responsive documents is ongoing. CRF has not yet produced

Anderson Kill

Honorable Paul G. Gardephe, U.S.D.J.  
May 31, 2018  
Page 2

those responsive, non-privileged documents. Given the number of documents that CRF's search yielded, CRF hopes to complete the review and production of relevant, non-privileged documents by approximately June 15, 2018. CRF will then update and produce its privilege log. The extent of the responsive privileged documents is not yet known. Thus, while CRF cannot give a definitive timeframe on when the privilege log will be completed, it anticipates it will be on or before June 30, 2018.

Only once this subsequent supplemental production of documents has been completed, and Starr and HCC have had a meaningful opportunity to review the documents, will Starr and HCC be able to determine whether CRF's supplemental production will necessitate the reopening of fact and expert discovery, and, if so, to what extent. The parties respectfully suggest that it is therefore premature to propose a timeline for briefing the parties' anticipated cross-motions for summary judgment, without knowing at this time the impact these additional documents may have on fact and expert discovery.

The parties propose providing the Court with a further update on their progress on July 10, 2018. At that time, the Parties anticipate having a better understanding of (1) how long it will take to complete any necessary additional discovery, and (2) a timeline for briefing the parties' anticipated cross motions for summary judgment.

We thank Your Honor for your consideration.

Respectfully submitted,

/s/ Steven J. Pudell  
Steven J. Pudell  
ANDERSON KILL P.C.  
*COUNSEL FOR CRF FROZEN FOODS, LLC*

/s/ John A. Nadas  
John A. Nadas  
CHOATE HALL & STEWART LLP  
*COUNSEL FOR STARR SURPLUS LINES  
INSURANCE COMPANY*

/s/ Jeffrey S. Weinstein  
Jeffrey S. Weinstein  
MOUND COTTON WOLLAN &  
GREENGRASS LLP  
*COUNSEL FOR HOUSTON CASUALTY  
COMPANY*

cc: All counsel of record via ECF